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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

In re D.M., a Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

D.M.,

Defendant and Appellant.

A135638

(Del Norte County
Super. Ct. No. JDSQ10-6177)

Minor, D.M., appeals from an order continuing him as a ward of the juvenile court, directing him to undergo a substance abuse assessment and directing him to participate in juvenile drug court due to his violation of the terms of his probation. His court-appointed counsel has filed a brief seeking our independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436 to determine whether there are any arguable issues on appeal. Based upon our independent review, we affirm.

BACKGROUND

In January 2011, D.M. was declared a ward of the juvenile court and placed on formal probation due to his public intoxication and driving a vehicle without a valid driver's license. (Pen. Code, § 647, subd. (f); Veh. Code, § 12500.) Among the

conditions of his probation, D.M. was required to abstain from alcohol and illicit drugs and submit to testing when requested to do so by a law enforcement official.

In August 2011, the court modified D.M.'s placement after a supplemental petition was proven true that alleged he engaged in reckless driving (Veh. Code, § 23103, subd. (a)), reckless driving evading a peace officer (Veh. Code, § 2800.2), restricting, obstructing or delaying a peace officer (Pen. Code, § 148), and driving without a license (Veh. Code, § 12500, subd. (a)). Two allegations that D.M. violated probation by using alcohol were dismissed. The court continued D.M. as a ward on formal probation and ordered him to complete 25 hours of community work service and write an essay on the dangers of high speed vehicle pursuits. In September 2011, the court clarified that the disposition of the August charges also concluded the period of time when D.M. was subject to house arrest while the charges were pending. In February 2012, D.M. was ordered to a brief period of confinement in juvenile hall after it was found he again had consumed alcohol. All the court's other orders remained in effect.

Two more petitions to modify the juvenile court's dispositional orders were filed in April and May 2012, again alleging that D.M. had tested positive for alcohol or methamphetamine. After receiving evidence in two contested hearings, the juvenile court concluded that D.M. violated his probation. Testing done on urine samples obtained on March 16 and April 16 showed D.M. had consumed alcohol, and testing on a sample obtained on April 6 showed he had consumed alcohol and methamphetamine. On May 24, 2012, the court continued D.M.'s wardship, ordered him to undergo a substance abuse assessment and directed him to participate in juvenile drug court. His appeal from the May 24th order is timely.

DISCUSSION

The evidence offered to prove the violations leading to the May 24th order consisted of testimony from the probation officers who obtained urine samples from D.M., and the toxicologist and certifying scientist from the laboratory that performed the

substance tests. D.M.'s counsel objected to the toxicologist's testimony on the grounds that the testimony was without foundation and was admitted in violation of his right to confront witnesses secured under the United States Constitution.

The foundational objections were properly overruled. The witness established that he was familiar with the procedures employed by the testing laboratory, that records showed that D.M.'s samples were received intact, that the sample testing was done in accordance with laboratory standards, and that he would not have approved the test results if there had been any discrepancies in the processes. This is the kind of testimony that has long been held sufficiently reliable in probation revocation proceedings. (*People v. Brown* (1989) 215 Cal.App.3d 452.) D.M.'s constitutional objection based upon an unspecified right to confront witnesses was also properly overruled. The confrontation clause of the Sixth Amendment does not apply in probation revocation proceedings. (*People v. Minor* (2010) 189 Cal.App.4th 1, 20.)

D.M. was properly represented by counsel at all stages of the proceedings, and our review of the record discloses no error. Counsel has represented that she advised D.M. of her intention to file a *Wende* brief in this case and that D.M. has the right to submit a supplemental written argument on his own behalf. He has not done so.

DISPOSITION

The order is affirmed.

Siggins, J.

We concur:

McGuiness, P.J.

Pollak, J.